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13 *Toshiba America, Inc., Toshiba America*

14 *Consumer Products, LLC, Toshiba America*

15 *Information Systems, Inc., and Toshiba*

16 *America Electronic Components, Inc.*

17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 (SAN FRANCISCO DIVISION)

20 IN RE: CATHODE RAY TUBE (CRT)  
21 ANTITRUST LITIGATION

22 Case No. 07-5944 SC  
23 MDL No. 1917

24 This Document Relates to:

25 ALL INDIRECT PURCHASER ACTIONS

26 *Best Buy Co., Inc., et al. v. Hitachi, Ltd., et al.,*  
27 Case No. 3:11-cv-05513

28 *Best Buy Co., Inc., et al. v. Technicolor SA, et*  
*al., Case No. 13-cv-05264*

*CompuCom Systems, Inc. v. Hitachi, Ltd., et al.,*  
Case No. 3:11-cv-06396

*Costco Wholesale Corp. v. Hitachi, Ltd., et al.,*  
Case No. 3:11-cv-06397

*Electrograph Systems, Inc., et al. v. Hitachi, Ltd.,*  
*et al., Case No. 3:11-cv-01656*

**DECLARATION OF  
LUCIUS B. LAU IN SUPPORT OF  
DEFENDANTS' NOTICE OF  
MOTION AND MOTION FOR  
PARTIAL SUMMARY  
JUDGMENT ON PLAINTIFFS'  
INDIRECT PURCHASER CLAIMS  
BASED ON FOREIGN SALES**

DECLARATION OF LUCIUS B. LAU IN SUPPORT OF DEFENDANTS' NOTICE OF MOTION  
AND MOTION FOR PARTIAL SUMMARY JUDGMENT ON PLAINTIFFS' INDIRECT PURCHASER  
CLAIMS BASED ON FOREIGN SALES  
Case No. 07-5944-SC, MDL No. 1917

1 *Electrograph Systems, Inc., et al. v. Technicolor*  
2 *SA, et al.*, Case No. 3:13-cv-05724  
3 *Interbond Corp. of America v. Hitachi, Ltd., et*  
4 *al.*, Case No. 3:11-cv-06275  
5 *Interbond Corp. of America v. Technicolor SA, et*  
6 *al.*, Case No. 3:13-cv-05727  
7 *Office Depot, Inc. v. Hitachi, Ltd., et al.*, Case  
8 No. 3:11-cv-06276  
9 *Office Depot, Inc. v. Technicolor SA, et al.*, Case  
10 No. 3:13-cv-05726  
11 *P.C. Richard & Son Long Island Corp., et al. v.*  
12 *Hitachi, Ltd., et al.*, Case No. 3:12-cv-02648  
13 *P.C. Richard & Son Long Island Corp., et al. v.*  
14 *Technicolor SA, et al.*, Case No. 3:13-cv-05725  
15 *Sears, Roebuck & Co. and Kmart Corp. v.*  
16 *Chunghwa Picture Tubes, Ltd., et al.*, Case No.  
17 3:11-cv-05514  
18 *Tech Data Corp., et al. V. Hitachi, Ltd., et al.*,  
19 Case No. 3:13-cv-00157  
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1 I, Lucius B. Lau, hereby declare as follows:

2 1. I am an attorney with the law firm of White & Case LLP, counsel for  
3 Defendants Toshiba Corporation, Toshiba America, Inc., Toshiba America Consumer  
4 Products, LLC, Toshiba America Information Systems, Inc., and Toshiba America Electronic  
5 Components, Inc.

6 2. I submit this declaration in support of Defendants' Notice of Motion and  
7 Motion for Partial Summary Judgment on Plaintiffs' Indirect Purchaser Claims Based on  
8 Foreign Sales ("Defendants' Motion"), filed contemporaneously herewith. Except for those  
9 matters stated on information and belief, which I believe to be true, I have personal  
10 knowledge of the facts stated herein, and I could and would competently testify thereto if  
11 called as a witness.

12 3. Attached hereto as **Exhibit A** is a table setting forth the state law claims  
13 subject to this motion in each of the relevant actions.

14 4. Attached hereto as **Exhibit B** is a true and correct copy of the Expert Report of  
15 Janet S. Netz, Ph.D., dated April 15, 2014, and served on behalf of the Indirect Purchaser  
16 Plaintiffs.

17 5. Attached hereto as **Exhibit C** is a true and correct copy of the Report of Alan  
18 S. Frankel, Ph.D., dated April 15, 2014, and served on behalf of Plaintiffs Best Buy Co., Inc.,  
19 Best Buy Purchasing, LLC, Best Buy Enterprise Services, Inc., Best Buy Stores, L.P.,  
20 BestBuy.com, L.L.C., and Magnolia Hi-Fi, Inc. On information and belief, Dr. Frankel  
21 presents the same type of arguments and analysis with respect to the portions of his report  
22 cited in Defendants' Motion in his expert reports served in the CompuCom, Costco,  
23 Electrograph, Interbond, Office Depot, P.C. Richard, Sears, Kmart and Tech Data actions.

24 6. Attached hereto as **Exhibit D** is a true and correct copy of the Expert Report of  
25 Janusz A. Ordovery, Ph.D., dated August 5, 2014, and served on behalf of Defendants LG  
26 Electronics, Inc., LG Electronics USA, Inc., LG Electronics Taiwan Taipei Co., Ltd.,  
27 Koninklijke Philips N.V., Philips Electronics North America Corporation, Philips Taiwan  
28 Limited, Philips do Brasil Ltda., Hitachi, Ltd., Hitachi Displays, Ltd. (n/k/a Japan Display  
Inc.), Hitachi Asia, Ltd., Hitachi America, Ltd., Hitachi Electronic Devices (USA), Inc.,

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1 Toshiba America Electronic Components, Inc., Toshiba America, Inc., Toshiba America  
2 Information Systems, Inc., Toshiba Corporation, Panasonic Corporation (f/k/a Matsushita  
3 Electrical Industrial Co.), Panasonic Corporation of North America, MT Picture Display Co.,  
4 Ltd. (“MTPD”), Technicolor SA (f/k/a Thomson SA), Technicolor USA, Inc. (f/k/a Thomson  
5 Consumer Electronics, Inc.), Mitsubishi Electric Corporation, Mitsubishi Electric &  
6 Electronics USA, Inc., and Mitsubishi Electric Visual Solutions America, Inc. in the Best Buy  
7 actions. On information and belief, Dr. Ordoover presents the same type of arguments and  
8 analysis with respect to the portions of his report cited in Defendants’ Motion in his expert  
9 reports served in the CompuCom, Costco, Electrograph, Interbond, Office Depot, P.C.  
10 Richard, Sears, Kmart and Tech Data actions.

11 7. Attached hereto as **Exhibit E** is a table setting forth citations regarding the  
12 harmonization of the relevant state laws with federal antitrust law.

13 8. Attached hereto as **Exhibit F** is a true and correct copy of excerpts from the  
14 transcript of the Rule 30(b)(6) deposition of Costco Wholesale Corporation, taken December  
15 7, 2012.

16 9. Attached hereto as **Exhibit G** is a true and correct copy of excerpts from the  
17 transcripts of the Rule 30(b)(6) deposition of Best Buy Co., Inc., Best Buy Purchasing, LLC,  
18 Best Buy Enterprise Service, Inc., Best Buy Stores, L.P., Bestbuy.com, LLC, and Magnolia  
19 Hi-Fi, taken on December 3, 2012 and May 22, 2014.


20 10. Attached hereto as **Exhibit H** is a true and correct copy of excerpts from the  
21 transcript of the deposition of Rebecca Smith, taken August 27, 2014.

22 11. Attached hereto as **Exhibit I** is a true and correct copy of excerpts from  
23 Plaintiffs Sears, Roebuck and Co. & Kmart Corp.’s Objections and Responses to Defendant  
24 Hitachi Displays, Ltd.’s First Set of Requests for Admission, dated August 4, 2014.

25 12. Attached hereto as **Exhibit J** is a true and correct copy of Defendants’ Joint  
26 Notice of Motion and Motion to Dismiss Amended Complaint Under Fed. R. Civ. P. 12(b)(1)  
27 and Fed. R. Civ. P. 12(b)(6), *In re TFT-LCD (Flat Panel) Antitrust Litig.* (N.D. Cal. Feb. 19,  
28 2010), ECF No. 1559 filed on behalf of multiple entities including Sharp Electronics  
Corporation.

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Lucius B. Lau

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